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11 Evander Frank Kane

12 **UNITED STATES BANKRUPTCY COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN FRANCISCO DIVISION**

15 In re

16 Case No. 21-cv-03493-WHO

17 EVANDER FRANK KANE,

18 Bankruptcy Case No. 21-50028-SLJ

19 Debtor.

20 Chapter 7

21 SOUTHERN RIVER CAPITAL, LLC

22 **STIPULATION AND ORDER TO  
23 MODIFY THE BRIEFING DEADLINES  
24 ON APPEAL**

25 Appellant

26 v.

27 EVANDER FRANK KANE

28 Appellee

29 Appellant, South River Capital, LLC ("South River"), and Appellee, Evander Frank Kane  
30 ("Kane"), enter into the following stipulation to modify the briefing schedule for this appeal as  
31 set forth below (the "Stipulation") and request the Court's approval of the revised schedule.

32 **RECITALS**

33 1. South River filed a Notice of Appeal in the abovementioned bankruptcy case  
34 pending in the US Bankruptcy Court regarding an Order Denying Motion to Convert and  
35 STIP RE BRIEFING SCHEDULE

1 electing this Court to resolve the appeal (the "Appeal").

2       2. Pursuant to this Court's Notice of Filing of Appeal & Scheduling Order (the  
3 Scheduling Order) [dated May 10, 2021; Doc. No. 2] the Appellant's principal brief was due no  
4 more than 30 days after docketing of notice that the record in this matter had been transmitted or  
5 is available electronically on the Court's docket;

6           3.       On July 6, 2021, South River timely filed its Appellant's Opening Brief (Doc. No.  
7           4);

8           4. Pursuant to the Scheduling Order, Kane's responsive brief is due no more than 30  
9 days after South River's opening brief;

10       5.     Kane has requested, and South River has agreed to extend the time for Kane to  
11 file his responsive brief to September 7, 2021. There have been no other previous time  
12 modifications in the Appeal; and

13        6.      Therefore, Kane and South River propose to modify the briefing schedule in the  
14      Appeal as set forth below.

## STIPULATION

16 | The Parties stipulate and agree, through their respective attorneys, as follows:

17 1. Kane's responsive brief shall be due no later than September 7, 2021.

18       2.     Except as specifically modified herein, all other deadlines for briefs in the Appeal  
19 and other matters set forth in the Scheduling Order remain unchanged and in effect.

20           3.     Kane and South River request that the Court enter an order approving this  
21 Stipulation.

DATED: July 26, 2021

BINDER & MALTER, LLP

By: /s/ Wendy Watrous Smith

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Wendy Watrous Smith

Attorneys for Appellant South River Capital LLC

1 DATED: July 26, 2021

FINESTONE HAYES LLP

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By: /s/ Stephen D. Finestone

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Stephen D. Finestone

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Attorneys for Appellee Evander Frank Kane

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**ORDER**

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IT IS SO ORDERED

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DATED: \_\_\_\_\_

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By:

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Hon. William H. Orrick

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District Judge of the United States District Court  
for the Northern District of California

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